

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID E. BAILEY, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )  
                        )  
HOWELL COUNTY SHERIFF, et al., )  
                        )  
Defendants.         )

## **MEMORANDUM AND ORDER OF TRANSFER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be provisionally granted. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Plaintiff brings this action under 42 U.S.C. § 1983. The named defendants are located in the Western District of Missouri, and all of the events described in the complaint occurred in the Western District of Missouri.

Under 28 U.S.C. § 1333(b), an action of this type may “be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.”

Because the events that gave rise to this case occurred in the Western District, venue is proper in the Western District of Missouri.

Under 28 U.S.C. § 1406(b), “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because plaintiff is proceeding pro se, the

Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis is provisionally **GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

**IT IS FURTHER ORDERED** that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. See 28 U.S.C. § 1406(b).

Dated this 13th Day of August, 2009.

/s/ Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE